

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

METTLER-TOLEDO, INC.,

*Plaintiff,*

v.

B-TEK SCALES, LLC,

*Defendant.*

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Civil Action No. 9:06-CV-97

**FILED**

10:52 AM. January 29 2009

DAVID J. MALAND, CLERK  
U.S. DISTRICT COURT

By Kyle Dean  
DEPUTY

**JURY VERDICT FORM**

**Question No. 1**

Do you find by a preponderance of the evidence that Defendant B-Tek Scales, LLC's Centurion-DT Truck Scale with CPD-M Digital Load Cells infringe one or more of the following claims of the '052 patent, either literally or under the doctrine of equivalents? Answer "Yes" or "No" as to each claim. If you answer "Yes" for literal infringement on any claim, do not answer the question under the doctrine of equivalents for that same claim:

	Literal Infringement	Infringement under Doctrine of Equivalents
Claim 1	<u>No</u>	<u>No</u>
Claim 4	<u>No</u>	<u>No</u>
Claim 5	<u>No</u>	<u>No</u>
Claim 6	<u>No</u>	<u>No</u>
Claim 7	<u>No</u>	<u>No</u>

**Please answer Question No. 2.**

**Question No. 2**

Do you find by a preponderance of the evidence that Defendant B-Tek Scales, LLC's Centurion-DT Truck Scale with CPD-M Digital Load Cells infringe one or more of the following claims of the '441 patent, either literally or under the doctrine of equivalents? Answer "Yes" or "No" as to each claim. If you answer "Yes" for literal infringement on any claim, do not answer the question under the doctrine of equivalents for that same claim:

	Literal Infringement	Infringement under Doctrine of Equivalents
Claim 1	<u>No</u>	<u>No</u>
Claim 11	<u>No</u>	<u>No</u>

**Please answer Question No. 3.**

**Question No. 3**

Do you find by a preponderance of the evidence that Defendant B-Tek Scales, LLC's CPD-M Digital Load Cells infringe one or more of the following claims of the '547 patent, either literally or under the doctrine of equivalents? Answer "Yes" or "No" as to each claim. If you answer "Yes" for literal infringement on any claim, do not answer the question under the doctrine of equivalents for that same claim:

	Literal Infringement	Infringement under Doctrine of Equivalents
Claim 1	<u>No</u>	<u>No</u>
Claim 9	<u>No</u>	<u>No</u>
Claim 10	<u>No</u>	<u>No</u>
Claim 11	<u>No</u>	<u>No</u>

**Please answer Question No. 4.**

**Question No. 4**

Do you find by a preponderance of the evidence that Defendant B-Tek Scales, LLC, induced the infringement of any of the following claims of the '052 patent by another company or person, either literally or under the doctrine of equivalents? Answer "Yes" or "No" as to each claim. If you answer "Yes" for literal infringement on any claim, do not answer the question under the doctrine of equivalents for that same claim:

	Inducement of Literal Infringement	Inducement of Infringement under Doctrine of Equivalents
Claim 7	<u>No</u>	<u>No</u>

**Please answer Question No. 5.**

**If you answered “Yes” to any claims in Question Nos. 1 through 4, please answer Question No. 5. If you answered “No” for all claims in Question Nos. 1 through 4, please answer Question No. 6**

**Question No. 5**

Do you find by clear and convincing evidence that such infringement by Defendant B-Tek Scales, LLC was willful? Answer “Yes” or “No” as to each patent:

	Yes	No
‘052 patent	_____	_____
‘547 patent	_____	_____
‘441 patent	_____	_____

**Please answer Question No. 6.**

**Question No. 6**

Do you find by clear and convincing evidence that any of the following claims of the '052 patent are invalid because it is anticipated by Great Britain Patent No. 1,462,808 issued to Avery ("the Avery Patent" or "Avery '808")? Answer "Yes" or "No" as to each claim:

Claim 1	<u>No</u>
Claim 4	<u>No</u>
Claim 5	<u>No</u>
Claim 7	<u>No</u>

**Please answer Question No. 7.**

**Question No. 7**

Do you find by clear and convincing evidence that any of the following claims of the '052 patent are invalid because at the time of the invention it would have been obvious to one of ordinary skill in the art in light of one or more of the prior art combinations listed in Appendix B? Answer "Yes" or "No" as to each claim:

Claim 1	Claim 4	Claim 5	Claim 6	Claim 7
<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>

**Please answer Question No. 8.**

**Question No. 8**

Do you find by clear and convincing evidence that any of the following claims of the '441 patent are invalid because at the time of the invention it would have been obvious to one of ordinary skill in the art in light of one or more of the prior art combinations listed in Appendix B?

Answer "Yes" or "No" as to each claim:

Claim 1

Claim 11

yes

yes

**Please answer Question No. 9.**

**Question No. 9**

Do you find by clear and convincing evidence that any of the following claims of the '547 patent are invalid because at the time of the invention it would have been obvious to one of ordinary skill in the art in light of one or more of the prior art combinations listed in Appendix B? Answer "Yes" or "No" as to each claim:

Claim 1

Claim 9

Claim 10

Claim 11

No

No

No

No

**If you answered "Yes" for any claim in Question Nos. 1 through 4 and "No" for that same claim in Question Nos. 6 through 9, please answer Question 10. Otherwise, please initial and date the verdict form.**

**Question No. 10**

What sum of money, if any, do you find would fairly and adequately compensate Plaintiff Mettler-Toledo, Inc. for the profits it would have made on lost sales?

Answer in dollars and cents:

\$ 0

**Please answer Question No. 11.**

**Question No. 11**

Whether or not you awarded Mettler-Toledo lost profits, what sum of money, if any, do you find is adequate as a reasonable royalty to compensate Mettler-Toledo for the conduct you found to infringe? Do not let your decision on Question No.10 affect your answer to this Question No. 11.

Answer in dollars and cents:

\$ 0

**Please initial and date the verdict form.**

Date JAN, 29, 2009

Initials of Foreperson DP